

**DORSEY**

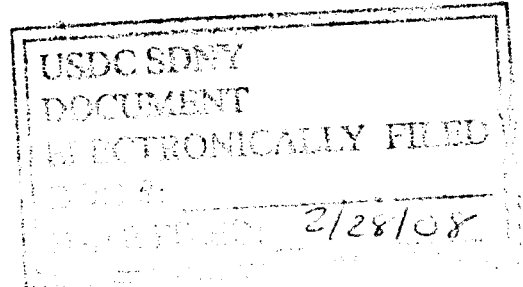
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February 22, 2008

FEB 25 2008

**VIA FEDERAL EXPRESS**

The Honorable William H. Pauley, III  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 2210  
New York, New York 10007-1312



Re: Toy Play LLC v. Geometix International, LLC, Index No. 07-CV-11226 (WHP)

Dear Judge Pauley:

We are counsel to plaintiff in the above-referenced matter, which is scheduled for both a Rule 16 scheduling conference and a pre-motion conference on plaintiff's planned motion to dismiss defendant's counterclaims on February 29, 2008 at 9:30 a.m.

The parties' counsel have conferred as required by the Court's Individual Practices concerning the submission of a Rule 26(f) discovery plan. Given plaintiff's planned motion to dismiss, counsel do not believe that the submission of a Rule 26(f) discovery plan to the Court is appropriate at this time, as the filing of the motion, if permitted, would necessarily impact everything from the timing of discovery to, potentially, the subjects on which discovery may be needed. Thus, the parties respectfully propose that the issue of a discovery plan be deferred until the conference on the 29<sup>th</sup>, at which time both sides will be fully prepared to address it.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to be "B. Ewing".

Bruce R. Ewing

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cc: Robert Previto, Esq. (via Electronic and U.S. Mail)

*Application Denied.*

**SO ORDERED:**

A handwritten signature in dark ink, appearing to be "William H. Pauley, III".  
WILLIAM H. PAULEY III U.S.D.J.

*2/25/08*